

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

GREGORY DONEL JOHNSON,
Petitioner,

v.

**LORIE DAVIS, Director, Texas Dept. of
Criminal Justice, Criminal Institutions
Division,**
Respondent.

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No. 3:14-CV-2406-M-BF


**ORDER ACCEPTING FINDINGS, CONCLUSIONS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

The United States Magistrate Judge made Findings, Conclusions, and a Recommendation in this case. No objections were filed. The District Court reviewed the proposed Findings, Conclusions, and Recommendation for plain error. Finding none, the Court **ACCEPTS** the Findings, Conclusions, and Recommendation of the United States Magistrate.

IT IS THEREFORE ORDERED that the motion for leave to file a successive petition is construed as a successive habeas petition under 28 U.S.C. § 2254, and the petition is **TRANSFERRED** to the United States Court of Appeals for the Fifth Circuit. *See* [28 U.S.C. ' 2244\(b\)\(3\); 28 U.S.C. § 1631](#).¹ The Clerk's Office is directed to open a new civil action, nature of suit 530, with direct assignment to Chief Judge Lynn and Magistrate Judge Stickney, and terminate the motion in this case.

¹ An order transferring a successive application to the court of appeals is not a final order requiring a certificate of appealability. *See United States v. Fulton*, 780 F.3d 683, 688 (5th Cir. 2015).

SO ORDERED this 20th day of November, 2017.


BARBARA M. G. LYNN
CHIEF JUDGE